

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENT TIMOTHY McCARTHY,

Defendant.

CR 19-05-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 18, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Brent Timothy McCarthy’s guilty plea after McCarthy appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession

with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1), as set forth in the Superseding Information. In exchange for Defendant's plea, the United States agrees to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 95), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Brent Timothy McCarthy's motion to change plea (Doc. 52) is GRANTED and Brent Timothy McCarthy is adjudged guilty as charged in the Superseding Information.

DATED this 19th day of July, 2019.



Dana L. Christensen, Chief District Judge
United States District Court